IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18259 of 1995

Dated: August 2, 2006

Between:

G.E.S. Sanjeeva Naidu, S/o. Arthur, aged 36 years, residing at Nimmakur, Krishna District.

… Petitioner

And

A.P.R.E.I. Society, rep. by its Secretary, Kandhara Complex, Abids, Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not regularizing the services of the petitioner as Junior Lecturer in English with effect from 06-10-1990, the date on which the petitioner was appointed, as illegal and arbitrary.

2. It is the case of the petitioner that he was appointed a Post Graduate Teacher in English by the first respondent by proceedings dated 31-05-1990, passed in Rc.No.53/A1-2/89 and his services were regularized in the said category with effect from 26-06-1990. It is

stated that subsequently he was transferred and posted as Junior Lecturer in English in Visakhapatnam District, by the first respondent by proceedings dated 13-08-1990. During the relevant point of time, the scale of pay, which was applicable to Post Graduate Teachers and Junior Lecturers, was same. Subsequently, the scale of pay of Junior Lecturers was revised and was fixed higher than that of the Post Graduate Teachers. The grievance of the petitioner is that during the relevant point of time though the scale of pay of Post Graduate Teachers and Junior Lecturers was same and though some of his juniors were appointed as Junior Lecturers and their services were regularized, his case was not considered for regularization in the post of Junior Lecturer. Hence, he has filed the present writ petition.

3. Respondents have filed counter affidavit stating that the scale of pay for Post Graduate Teachers and Junior Lecturers was same. It is stated that the Society, in its Board of Governors meeting held on 02-02-1989 has decided to consider Post Graduate Teachers only for conversion as Junior Lecturers against 50% quota. Further, in its meeting held on 11-12-1991, the Board of Governors of the Society has also resolved to allow Junior Lecturers the benefit of pay fixation under FR 22(a) (i) as the responsibilities of Junior Lecturers are more than Post Graduate Teachers. It is further stated that since the petitioner has not joined as Junior Lecturer prior to 15-06-1990, he was not extended the aforesaid benefit. It is further stated that the last Post Graduate Teacher in English who was promoted, is at Sl.No.327, whereas the petitioner is at Sl.No.373.

4. Learned counsel for the petitioner submits that as much as the petitioner was transferred from one place to another, he is not aware of the present status of the petitioner.

5. However, it is to be seen that the petitioner was appointed in a substantive post of Post Graduate Teacher. The case of the petitioner is that though he was transferred and posted as Junior Lecturer on temporary basis, his services are not being regularized in the said post. It is stated that no person who is junior to the petitioner has been absorbed to the post of Junior Lecturer. In view of the same, no direction as sought for can be given. However, as it is stated that Post Graduate Teachers are entitled for promotion to the extent of 50% of the quota, and the last candidate to be promoted as Junior Lecturer is at Sl.No.327, during the relevant point of time, that is by the date of filing counter affidavit in July, 1999, I dispose of the writ petition directing the respondents to consider the claim of the petitioner for promotion to the post of Junior Lecturer in the 50% quota, as per his seniority in the list of Post Graduate Teachers, if he has not been promoted yet.

6. Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

August 2, 2006
MRR